

Application No. 10/031,798
Attorney Docket No. PG3681USW

REMARKS / ARGUMENTS

1. **Status of Claims.**

Claims 34-78 have been cancelled herein for purposes of reducing fees related to the number of claims. Claims 1-33, 79-82 remain under consideration for examination.

2. **Claim Numbering is Correct.**

Applicant's counsel thanks the examiner for his time on March 14, 2005 in discussing the objections to the claims based on their numbering. As we agreed, the issue was resolved in the last amendment, the claims being numbered correctly, reflecting their status in light of the Amended Sheets submitted during international phase of this PCT Application. The examiner indicated that claims beyond claim 9 will be examined and that any subsequent action, if appropriate, will not be final.

3. **Claims 1-33, 79-82 are Novel and Non-Obvious.**

The claims stand rejected as anticipated by EP 483569A1 to FMC. The FMC reference relates to a plastic sealing apparatus employing a laser. The FMC reference discloses an apparatus for welding a first piece of plastic to a second piece of plastic (col. 1, line 41-43) or a piece of plastic to a piece of metal (col. 7., 43-47). According to FMC, "the invention directs a laser beam through a semi-transparent material to a laser-opaque material where laser energy is converted to heat to partially melt the materials and weld the materials together." (Col. 8, lines 26-30). In contrast, method Claim 1 of the present invention specifically requires a cover sheet and a base sheet are joined via laser energy and "both the cover sheet and the base sheet comprise at least one layer of metal foil and said join comprises a metal-to-metal join between said metal foil layers." The FMC reference does not disclose creation of metal-to-metal seals. For this reason, FMC does not anticipate the claims of the present invention. Furthermore, there is nothing in the FMC reference to motivate one of ordinary skill to employ laser energy to attempt to weld metals to metals, let alone with the expectation that the claimed "hermetic seal" could be produced. There is, therefore, no motivation to modify FMC to yield the claimed invention, and no expectation that such a modified method would be successful

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at producing the hermetic seal claimed. FMC, therefore, does not render the claimed invention obvious to those of ordinary skill. As the claims of the present invention are both novel and non-obvious, allowance of claims 1-33, 79-82 is appropriate.

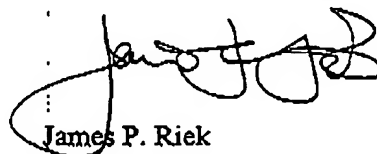
4. **Claim 82 should be allowed under Unity of Invention Principals.**

As the method of claim 1 is patentable and is specifically adapted to produce the article of claimed in claim 82, claim 82 should also be allowed under unity of invention principals. The two claims share the same special technical feature. It is requested that claim 82 be allowed at this time.

The claims are asserted to be in a condition for allowance. Applicant requests that a timely Notice of Allowance be issued in this case. If any matters exist that preclude issuance of a Notice of Allowance, the examiner is requested to contact the applicant's representative at the number indicated below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge any fees or credit any overpayment, particularly including any fees required under 37 CFR Sections 1.16 and/or 1.17, and any necessary extension of time fees, to deposit Account No. 07-1392.

Respectfully submitted,



James P. Riek

Attorney for Applicant
Reg. No. 39,009
Tel. (919) 483-8022
Fax. (919) 483-7988

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